

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MITCHELL LEE VARNELL,
Plaintiff,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

CASE NO. 3:15-CV-05443-BHS-DWC

ORDER ON MOTION FOR
RECONSIDERATION

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed this civil rights Complaint pursuant to 42 U.S.C. § 1983. *See* Dkt. 1, 4. Presently before the Court is Plaintiff's "Motion for Reconsideration of Dkt# 75, Order Denying Plaintiff's Motion for Court Appointed Counsel LCR 7(h)(1), CR 7(h)" ("Motion"). Dkt. 79. After reviewing the Motion and relevant record, the Court denies the Motion as it does not meet the standard outlined in Local Civil Rule 7(h).

In his Motion, Plaintiff seeks reconsideration of the Court's Order denying Plaintiff's Motion for Appointment of Counsel. Dkt. 79. On June 6, 2016, the Court denied Plaintiff's Motion for Appointment of Counsel (Dkt. 55) because Plaintiff did not show (1) the case

1 involves complex facts or law; (2) an inability to articulate the factual basis of his claims in a
2 fashion understandable to the Court; or (3) he is likely to succeed on the merits of his case. Dkt.
3 75. In his Motion, Plaintiff reiterates he needs court appointed counsel because his injuries
4 make it difficult to file timely pleadings with the Court. Dkt. 79. He also states he has shown he
5 is likely to succeed on the merits based on the allegations contained in his Third Amended
6 Complaint. *Id.*

7 Pursuant to Local Civil Rule 7(h), motions for reconsideration are disfavored and will be
8 denied absent a showing of manifest error or a showing of new facts or legal authority which
9 could not have been presented earlier with reasonable diligence.

10 Plaintiff has not met the standard outlined in Local Civil Rule 7(h). Plaintiff fails to show
11 a manifest error in the Court's prior ruling. Plaintiff also fails to provide new facts or legal
12 authority which could not have been presented earlier or show this case presents an "exceptional
13 circumstance" requiring the appointment of counsel. *See Rand v. Roland*, 113F.3d 1520, 1525
14 (9th Cir. 1997), *overruled on other grounds*, 154 F.3d 952 (9th Cir. 1998); *Wilborn v.*
15 *Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

16 As the Motion does not meet the standard outlined in Local Civil Rule 7(h) or show
17 appointment of counsel is appropriate at this time, Plaintiff's Motion is denied.

18 Dated this 6th day of July, 2016.

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21 David W. Christel
22 United States Magistrate Judge
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